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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/982,337

10/18/2001

Todd Ouzts

MFCP.88143

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02/17/2009

SHOOK, HARDY & BACON L.L.P.

(c/o MICROSOFT CORPORATION)

INTELLECTUAL PROPERTY DEPARTMENT

2555 GRAND BOULEVARD

KANSAS CITY, MO 64108-2613

EXAMINER

BONSHOCK, DENNIS G

ART UNIT

PAPER NUMBER

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* TODD OUZTS,  
PHILIP FORTIER,  
AND CHRIS J. GUZAK

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Application No. 09/982,337  
Technology Center 3737

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Mailed: February 17, 2009

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Before DELORES LOWE, *Review Team Paralegal*  
LOWE, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on January 21, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

**APPEAL BRIEF, STATUS OF CLAIMS**

A review of the file finds that the status of the claims as provided in the Appeal Brief filed August 17, 2007 under the heading “Status of Claims” is unclear and/or is not consistent with the status of claims of record in accordance with 37 CFR 41.37(c)(1)(iii). The status of the claims as provided in the Appeal Brief must be consistent with the last **entered** amendment. Each claim on appeal must be identified. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.

A review of the last entered amendment finds that claims 2-4, 8, and 13-14 are cancelled; whereas Appellants have not indicated the status of these claims. Correction of the status of all claims is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on August 17, 2007 defective;
- 2) notify Appellants to file a paper properly addressing the status of all claims; and

3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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